

**EIGHTEENTH DAY'S PROCEEDINGS  
HALL OF THE HOUSE OF REPRESENTATIVES**

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Little Rock, Arkansas

January 27, 2005

The House was called to order at 1:30 p.m. by Mr. Stovall, the Speaker. The following members answered to the roll call:

Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Borhauer, Boyd, Bradford, Burris, Chesterfield, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dobbins, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, Smith, Sullivan, Sumpter, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt, Mr. Speaker.

Total .....97

The following member(s) was absent and did not answer to the roll call:  
Bright, Dickinson, Willis.

Total .....3

A quorum was present.

Unanimous leave was granted for Representative(s) Bright, Dickinson, Willis.

The House stood and was led in prayer by House Chaplain, Reverend Freddie W. Stovall, Heber Springs, Arkansas.

The House stood and gave the Pledge of Allegiance to the Flag.

The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

|                                      |                              |
|--------------------------------------|------------------------------|
|                                      | January 27, 2005             |
| EDUCATION                            | JOYCE ELLIOTT<br>CHAIRPERSON |
| HOUSE BILL NO. 1201                  | DO PASS, AS AMENDED #1       |
| BY REPRESENTATIVE GEORGE             |                              |
| HOUSE CONCURRENT RESOLUTION NO. 1003 | DO PASS                      |
| BY REPRESENTATIVE ROEBUCK            |                              |

COMMITTEE REPORT

|                                 |                                  |
|---------------------------------|----------------------------------|
|                                 | January 27, 2005                 |
| JUDICIARY                       | JOHN PAUL VERKAMP<br>CHAIRPERSON |
| HOUSE BILL NO. 1176             | DO PASS, AS AMENDED #2           |
| BY REPRESENTATIVE T. HUTCHINSON |                                  |
| HOUSE BILL NO. 1244             | DO PASS                          |
| BY REPRESENTATIVE THOMPSON      |                                  |

COMMITTEE REPORT

|                                      |                             |
|--------------------------------------|-----------------------------|
|                                      | January 27, 2005            |
| PUBLIC HEALTH                        | JAY BRADFORD<br>CHAIRPERSON |
| HOUSE BILL NO. 1224                  | DO PASS                     |
| BY REPRESENTATIVE MALOCH             |                             |
| HOUSE BILL NO. 1225                  | DO PASS                     |
| BY REPRESENTATIVE D. CREEKMORE       |                             |
| HOUSE CONCURRENT RESOLUTION NO. 1005 | DO PASS                     |
| BY REPRESENTATIVE ROEBUCK            |                             |
| SENATE BILL NO. 12                   | DO PASS                     |
| BY SENATOR ALTES                     |                             |
| SENATE BILL NO. 49                   | DO PASS                     |
| BY SENATOR J. JEFFRESS               |                             |

COMMITTEE REPORT

|  |                                   |
|--|-----------------------------------|
|  | January 27, 2005                  |
| PUBLIC TRANSPORTATION                            | JOHNNIE BOLIN<br>CHAIRPERSON      |
| HOUSE BILL NO. 1169<br>BY REPRESENTATIVE WALTERS | DO PASS                           |
|  | SID ROSENBAUM<br>VICE-CHAIRPERSON |
| HOUSE BILL NO. 1245<br>BY REPRESENTATIVE PETRUS  | DO PASS                           |

COMMITTEE REPORT

|   |                                |
|---|--------------------------------|
|   | January 27, 2005               |
| REVENUE AND TAXATION                              | PHILLIP JACKSON<br>CHAIRPERSON |
| HOUSE BILL NO. 1192<br>BY REPRESENTATIVE REEP     | DO PASS                        |
| HOUSE BILL NO. 1217<br>BY REPRESENTATIVE BORHAUER | DO PASS                        |

COMMITTEE REPORT

|   |                               |
|---|-------------------------------|
|   | January 27, 2005              |
| PUBLIC RETIREMENT & SOCIAL<br>SECURITY PROGRAMS | SCOTT SULLIVAN<br>CHAIRPERSON |
| HOUSE BILL NO. 1212<br>BY REPRESENTATIVE HARRIS | DO PASS                       |

Upon motion of Representative Roebuck **HOUSE BILL NO. 1185** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1185**

Amend **HOUSE BILL NO. 1185** as originally introduced:

Page 2, line 5 delete "regulation, guideline," and substitute "regulations, the guidelines"

/s/ Tommy Roebuck

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Hutchinson, **HOUSE BILL NO. 1102** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 1102**

Amend **HOUSE BILL NO. 1102** as engrossed,

H1/25/05 (version: 01-15-2005 08:34)::

Page 2, delete lines 2 through 4, and substitute the following:

"(5) To a grand jury or court upon a finding that:

(A) Information in the record is necessary for the determination of a civil, criminal, or administrative issue before the court or grand jury; and

(B) The information cannot be obtained from a person or entity described in subdivision (b)(2) of this section;"

/s/ Timothy Hutchinson

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Bradford, **HOUSE BILL NO. 1193** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1193**

Amend **HOUSE BILL NO. 1193** as originally introduced:  
Add Representative Borhauer as a sponsor of the bill

/s/ Jay Bradford

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw  
Chief Clerk

**ENGROSSED BILL REPORTS**

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BILL H. STOVALL, III, CHAIRMAN

January 27, 2005

The following bill(s) reported correctly engrossed:

**HOUSE BILL NO. 1102** BY REPRESENTATIVE T. HUTCHINSON  
**HOUSE BILL NO. 1185** BY REPRESENTATIVE ROEBUCK  
**HOUSE BILL NO. 1193 - TITLE -** BY REPRESENTATIVE BRADFORD  
**SENATE BILL NO. 38 - TITLE -** BY SENATOR MALONE, ET AL

**HOUSE BILL ENGROSSED AS TITLE AMENDED**  
**HOUSE BILL NO. 1193**

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**BY: REPRESENTATIVES BRADFORD, BRIGHT, ROEBUCK, BORHAUER**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO PRODUCTS IN AND ON THE GROUNDS OF ALL MEDICAL FACILITIES IN ARKANSAS; AND FOR OTHER PURPOSES.

SENATE BILL ENGROSSED AS TITLE AMENDED  
SENATE BILL NO. 38

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BY: SENATORS MALONE, HILL, ARGUE, MADISON, BROADWAY, HIGGINBOTHOM, J. JEFFRESS, G. JEFFRESS, SALMON, T. SMITH, GLOVER, LUKER, BRYLES, J. BOOKOUT, LAVERTY, HENDREN, HORN, WILKINSON, WOOLDRIDGE, BROWN, CAPPS, MILLER, J. TAYLOR, TRUSTY, WOMACK

BY: REPRESENTATIVES THYER, *CHILDERS, PACE, ABERNATHY, ADAMS, ADCOCK, ANDERSON, BERRY, BOND, BOYD, BURRIS, CLEMONS, COOPER, D. CREEKMORE, DICKINSON, DOBBINS, EDWARDS, ELLIOTT, D. EVANS, L. EVANS, GLIDEWELL, R. GREEN, HARRIS, T. HUTCHINSON, JEFFREY, D. JOHNSON, J. JOHNSON, KENNEY, KEY, LEDBETTER, MACK, MALOCH, J. MARTIN, M. MARTIN, MATAYO, MATHIS, MCDANIEL, MEDLEY, NICHOLS, NORTON, ORMOND, OVERBEY, PATE, PETRUS, PICKETT, S. PRATER, PRITCHARD, PYLE, RAGLAND, RANKIN, REEP, ROEBUCK, ROSENBAUM, SAMPLE, SAUNDERS, SCHULTE, SCROGGIN, STOVALL, THOMASON, THOMPSON, WALTERS, WILLIS, WILLS, WOOD, WYATT*

AN ACT TO REPEAL THE INCOME TAX SURCHARGE BEGINNING WITH TAX YEAR 2005; AND FOR OTHER PURPOSES.

Upon motion of Representative Thyer, **SENATE BILL NO. 38** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO SENATE BILL NO. 38**

Amend **SENATE BILL NO. 38** as engrossed,

S1/20/05 ( version: 01-20-2005 11:27)::

AN ACT TO REPEAL THE INCOME TAX SURCHARGE BEGINNING WITH TAX YEAR 2005; AND FOR OTHER PURPOSES.

Add Representatives Childers, Pace, Abernathy, Adams, Adcock, Anderson, Berry, Bond, Boyd, Burris, Clemons, Cooper, D. Creekmore, Dickinson, Dobbins, Edwards, Elliott, D. Evans, L. Evans, Glidewell, Green, Harris, T. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Ledbetter, Mack, Maloch, J. Martin, M. Martin, Matayo, Mathis, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rankin, Reep, Roebuck, Rosenbaum, Sample, Saunders, Schulte, Scroggin, Stovall, Thomason, Thompson, Walters, Willis, Wills, Wood, and Wyatt as House cosponsors of the bill.

/s/ Chris Thyer

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1202

BY: REPRESENTATIVE BOYD

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Borhauer, Boyd, Bradford, Burris, Chesterfield, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dobbins, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bright, Dickinson, J. Hutchinson, Willis, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

Necessary to the passage of the bill .....51

So the Bill passed and the title as read was agreed to.

Morning Hour Expired.

HOUSE BILL NO. 1175

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**BY: REPRESENTATIVE MATHIS**

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Borhauer, Boyd, Bradford, Burris, Chesterfield, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dobbins, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bright, Dickinson, Mack, Pate, Willis, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....94

Total number voting in the affirmative .....94

Necessary to the passage of the bill .....51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1175**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Borhauer, Boyd, Bradford, Burris, Chesterfield, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dobbins, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bright, Dickinson, Mack, Pate, Willis, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast .....94

Total number voting in the affirmative .....94

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1170

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**BY: REPRESENTATIVE J. HUTCHINSON**

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Borhauer, Boyd, Bradford, Burris, Chesterfield, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dobbins, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Bright, Dickinson, Mahony, Pate, Scroggin, Willis, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast.....92

Total number voting in the affirmative .....92

Necessary to the passage of the bill .....51

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1145

BY: REPRESENTATIVE CLEMONS

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Borhauer, Boyd, Bradford, Burris, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bright, Chesterfield, Dickinson, Dobbins, J. Hutchinson, Willis, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Total number voting in the affirmative .....93

Necessary to the passage of the bill .....51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Clemons the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1145**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Borhauer, Boyd, Bradford, Burris, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bright, Chesterfield, Dickinson, Dobbins, J. Hutchinson, Willis, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Total number voting in the affirmative .....93

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Clemons the Clincher motion prevailed.

HOUSE BILL NO. 1023

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BY: REPRESENTATIVE BOYD

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Borhauer, Boyd, Bradford, Burris, Chesterfield, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dobbins, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Goss, Green, Hardwick, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Ormond, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....90

NEGATIVE: Glidewell.

Total .....1

ABSENT OR NOT VOTING: Bolin, Bright, Dickinson, Hardy, Ledbetter, Norton, Pate, Willis, Mr. Speaker.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast.....91

Total number voting in the affirmative .....90

Necessary to the passage of the bill .....51

So the Bill passed and the title as read was agreed to.

SENATE BILL NO. 71

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BY: SENATOR T. SMITH

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Borhauer, Boyd, Burris, Chesterfield, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dobbins, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, Jackson, Jeffrey, D. Johnson, Kenney, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Pritchard, Pyle, Rainey, Rankin, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....85

NEGATIVE: Bradford, Key, Norton, Prater, Reep, Sullivan.

Total .....6

ABSENT OR NOT VOTING: Bolin, Bright, Dickinson, T. Hutchinson, J. Johnson, Sumpter, Willis, Mr. Speaker.

Total .....8

VOTING PRESENT: Ragland.

Total .....1

Total number of votes cast.....92

Total number voting in the affirmative .....85

Necessary to the passage of the bill .....51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 71**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Borhauer, Boyd, Burris, Chesterfield, Childers, Clemons, Cook, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dobbins, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, Jackson, Jeffrey, D. Johnson, Kenney, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Pritchard, Pyle, Rainey, Rankin, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Thomason, Thompson, Thyer, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....85

NEGATIVE: Bradford, Key, Norton, Prater, Reep, Sullivan.

Total .....6

ABSENT OR NOT VOTING: Bolin, Bright, Dickinson, T. Hutchinson, J. Johnson, Sumpter, Willis, Mr. Speaker.

Total .....8

VOTING PRESENT: Ragland.

Total .....1

Total number of votes cast .....92

Total number voting in the affirmative .....85

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

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HOUSE BILL NO. 1145 BY REPRESENTATIVE CLEMONS  
 HOUSE BILL NO. 1170 BY REPRESENTATIVE J. HUTCHINSON  
 HOUSE BILL NO. 1175 BY REPRESENTATIVE MATHIS  
 HOUSE BILL NO. 1203 BY REPRESENTATIVE BOYD

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

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SENATE BILL NO. 71 BY SENATOR T. SMITH

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

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HOUSE BILL NO. 1020 BY REPRESENTATIVE DANGEAU  
 HOUSE BILL NO. 1032 BY REPRESENTATIVE D. CREEKMORE  
 HOUSE BILL NO. 1080 BY REPRESENTATIVE OVERBEY  
 HOUSE BILL NO. 1081 BY REPRESENTATIVE OVERBEY  
 HOUSE BILL NO. 1083 BY REPRESENTATIVE OVERBEY  
 HOUSE BILL NO. 1109 BY REPRESENTATIVE D. JOHNSON  
 HOUSE BILL NO. 1117 BY REPRESENTATIVE D. CREEKMORE

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

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SENATE BILL NO. 21 BY SENATOR FARIS  
 SENATE BILL NO. 42 BY SENATOR HIGGINBOTHOM  
 SENATE BILL NO. 72 BY SENATOR MADISON  
 SENATE BILL NO. 126 BY SENATOR J. TAYLOR

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

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Little Rock, Arkansas

January 27, 2005

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1020 BY REPRESENTATIVE DANGEAU, ET AL  
HOUSE BILL NO. 1032 BY REPRESENTATIVE CREEKMORE, ET AL  
HOUSE BILL NO. 1080 BY REPRESENTATIVE OVERBEY  
HOUSE BILL NO. 1081 BY REPRESENTATIVE OVERBEY  
HOUSE BILL NO. 1083 BY REPRESENTATIVE OVERBEY  
HOUSE BILL NO. 1109 BY REPRESENTATIVE JOHNSON, ET AL  
HOUSE BILL NO. 1117 BY REPRESENTATIVE CREEKMORE, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:15 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Bill H. Stovall, III

Chairman

RECEIPT FROM THE GOVERNOR

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## RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1020 REPRESENTATIVE DANGEAU, ET AL  
HOUSE BILL NO. 1032 REPRESENTATIVE CREEKMORE, ET AL  
HOUSE BILL NO. 1080 REPRESENTATIVE OVERBEY  
HOUSE BILL NO. 1081 REPRESENTATIVE OVERBEY  
HOUSE BILL NO. 1083 REPRESENTATIVE OVERBEY  
HOUSE BILL NO. 1109 REPRESENTATIVE JOHNSON, ET AL  
HOUSE BILL NO. 1117 REPRESENTATIVE CREEKMORE, ET AL

/s/ Mike Huckabee - Governor

TIME: 2:15 p.m.

By: Kerry Baldwin

HOUSE BILL NO. 1260

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BY: REPRESENTATIVE PACE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE TIME ALLOWED TO QUALIFY FOR THE SALES TAX CREDIT FOR SELLING A USED MOTOR VEHICLE, TRAILER, OR SEMITRAILER; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE BILL NO. 1261

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BY: REPRESENTATIVES THYER, D. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENACT THE ARKANSAS UNIFORM LIMITED PARTNERSHIP ACT (2005); TO PROVIDE TRANSITIONAL RULES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 1262

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BY: REPRESENTATIVE ROSENBAUM

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND CERTAIN ARKANSAS ETHICS LAWS CONCERNING DISCLOSURE FOR MATTERS REFERRED TO VOTERS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on RULES.

**HOUSE BILL NO. 1263**

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**BY: REPRESENTATIVES CHILDERS, VERKAMP, MAHONY**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PERMIT STATE BANKS TO DESIGNATE A REGISTERED OFFICE AND REGISTERED AGENT FOR SERVICE OF PROCESS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on INSURANCE AND COMMERCE.

**HOUSE BILL NO. 1264**

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**BY: REPRESENTATIVES CHILDERS, VERKAMP, MAHONY**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PERMIT THE BANK COMMISSIONER TO OBTAIN BACKGROUND CHECKS ON APPLICANTS; TO CLARIFY THE COMMISSIONER'S CEASE AND DESIST POWERS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on INSURANCE AND COMMERCE.

**HOUSE BILL NO. 1265**

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**BY: REPRESENTATIVE T. HUTCHINSON**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ENHANCED PENALTIES FOR POSSESSION OF A CONTROLLED SUBSTANCE BY A PREGNANT PERSON; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1266

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BY: REPRESENTATIVES ABERNATHY, COOPER, EVERETT, FITE,  
J. JOHNSON, MACK, OVERBEY, PYLE, SAUNDERS, WYATT  
BY: SENATORS MILLER, BROADWAY, LAVERTY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROTECT THE CONTINUITY OF SCHOOL BOARDS BY AMENDING THE PROCEDURE FOR ELECTION OF SCHOOL BOARDS FOLLOWING ANNEXATION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1267

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BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR LOAN PAYMENTS AND DEPARTMENT OF EDUCATION CAPITOL COMPLEX RENOVATION AND REPAIRS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1268

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BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION - EDUCATIONAL TELEVISION DIVISION FOR GENERAL NETWORK MAINTENANCE AND DIGITAL CONVERSION - PHASE III; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

**HOUSE BILL NO. 1269**

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**BY: JOINT BUDGET COMMITTEE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF WORKFORCE EDUCATION - AND THE VARIOUS TECHNICAL INSTITUTES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

**HOUSE BILL NO. 1270**

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**BY: JOINT BUDGET COMMITTEE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

**HOUSE BILL NO. 1271**

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**BY: JOINT BUDGET COMMITTEE**

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE SECRETARY OF STATE FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1272

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BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - MANAGEMENT SERVICES DIVISION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1273

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BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE STATE PLANT BOARD; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1274

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BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH - FOR STATE ASSISTANCE TO THE NORTH LITTLE ROCK HEALTH UNIT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

**HOUSE BILL NO. 1275**

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**BY: JOINT BUDGET COMMITTEE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS EMPLOYMENT SECURITY DEPARTMENT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

**HOUSE BILL NO. 1276**

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**BY: JOINT BUDGET COMMITTEE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS BUILDING AUTHORITY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

**HOUSE BILL NO. 1277**

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**BY: JOINT BUDGET COMMITTEE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF RURAL SERVICES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1278

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BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE STATE FORESTRY COMMISSION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1279

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BY: REPRESENTATIVE CHESTERFIELD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES FOR THE IMPROVEMENT OF STATE EMPLOYEE HEALTH; TO PROVIDE LEAVE FOR STATE EMPLOYEES WHO MAKE SIGNIFICANT REDUCTIONS IN BODY MASS; TO PROVIDE AREAS FOR WALKING EXERCISE AT STATE AGENCY FACILITIES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 1280

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BY: REPRESENTATIVES PETRUS, WYATT, COWLING, L. EVANS, SCROGGIN, SULLIVAN

BY: SENATOR HIGGINBOTHOM

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE METHOD FOR VALUING CERTAIN FARMLAND ENROLLED IN FEDERAL LAND PROGRAMS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1281**

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**BY: REPRESENTATIVES RAGLAND, DAVENPORT****BY: SENATOR LAVERTY**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR SAU-TECH FOR PERSONAL SERVICES AND OPERATING EXPENSES OF THE MARSHALL, ARKANSAS FIRE TRAINING SATELLITE CENTER FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

**HOUSE BILL NO. 1282**

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**BY: REPRESENTATIVES RANKIN, PETRUS, BOLIN, L. EVANS****BY: SENATORS HIGGINBOTHOM, J. JEFFRESS**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PERMIT EARTHMOVING EQUIPMENT USED PRIMARILY IN FARMING OPERATIONS TO MOVE ON HIGHWAYS BEYOND A FIFTY (50) MILE RADIUS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on PUBLIC TRANSPORTATION.

HOUSE BILL NO. 1283

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BY: REPRESENTATIVES SCROGGIN, SULLIVAN, L. EVANS, PETRUS,  
WALTERS

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE AN EXEMPTION FROM THE GROSS RECEIPTS TAX FOR LIVESTOCK REPRODUCTION EQUIPMENT OR SUBSTANCES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE CONCURRENT RESOLUTION NO. 1006

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BY: REPRESENTATIVES ROEBUCK, WOOD, GEORGE, D. CREEKMORE

BY: SENATORS WILKINSON, J. BOOKOUT, TRUSTY, T. SMITH

A BILL FOR AN ACT TO BE ENTITLED TO ENCOURAGE ALL STATE AGENCIES, BOARDS, AND COMMISSIONS THAT REGULATE OCCUPATIONS AND PROFESSIONS TO EXTEND LENIENCY TO LICENSE HOLDERS, CERTIFICATE HOLDERS, AND REGISTRANTS WHO ARE ACTIVATED MEMBERS OF THE ARKANSAS NATIONAL GUARD AND RESERVES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

**SENATE BILL NO. 21**

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**BY: SENATOR FARIS****BY: REPRESENTATIVE S. PRATER**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE ONLINE RENEWAL OF NURSE LICENSES; TO REPEAL AN UNUSED REQUIREMENT FOR OVERSIGHT BY THE HOUSE AND SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE, AND LABOR; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

**SENATE BILL NO. 42**

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**BY: SENATOR HIGGINBOTHOM**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE PROCESS OF SELECTING JURORS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

**SENATE BILL NO. 72**

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**BY: SENATOR MADISON**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT DECEPTIVE AND UNCONSCIONABLE ADVERTISING AND SALES PRACTICES RELATED TO THE USE OF THE TERMS "NOTARIO", "NOTARIO PUBLICO", AND SIMILAR TERMS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 126

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BY: SENATOR J. TAYLOR

BY: REPRESENTATIVES HARRELSON, BRADFORD, ADAMS, CLEMONS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL ARKANSAS CODE § 5-66-103(b) CONCERNING THE DUTY AND CRIMINAL LIABILITY OF A SHERIFF OR DEPUTY SHERIFF REGARDING A GAMBLING HOUSE; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Upon motion of Representative J. Hutchinson, the House adjourned at 2:01 p.m. until 10:00 a.m., Friday, January 28, 2005.

ATTEST:

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Bill H. Stovall, III  
Speaker of the House of Representatives

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Jo Renshaw  
Chief Clerk